

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1651 - HB 1474

March 23, 2009

SUMMARY OF BILL: Broadens the sex offender registry to include juvenile offenders who are at least 14 but less than 18 years of age who have been adjudicated delinquent for an act, if committed by an adult, which would constitute aggravated rape, rape of a child, aggravated rape of a child or criminal intent to commit such offenses. Juveniles are also included if they are adjudicated delinquent as a result of an act committed in another jurisdiction that would be classified as a violent juvenile sexual offense as defined by the bill. Broadens the definition of registering agency to include a court with juvenile court jurisdiction, or institution, home, school, or other location in which a violent juvenile sexual offender is located.

Requires a court with juvenile jurisdiction to transmit photographs, fingerprints, sexual offenses or violent sexual offenses the person has been convicted of including the county and state where offenses occurred, and other relevant data to the Tennessee Bureau of Investigation (TBI) within 48 hours of the adjudication. This information is not considered a public record until the juvenile reaches the age of 18. Requires all violent juvenile sexual offenders, at least once during the months of March, June, September, and December, to report in person to the juvenile court in which the adjudication occurred to update the offender's fingerprints, palm prints and photograph. If the juvenile is in custody, the juvenile must provide the necessary information to the facility in which the juvenile resides which shall then transmit the information to the TBI. Requires a person adjudicated delinquent for a violent juvenile sexual offense to remain on the sex offender registry for life.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$18,000/One-Time/TBI
\$7,600/Recurring**

Increase Federal Expenditures - \$5,400

Increase Local Expenditures – Exceeds \$100,000/One-Time*

Other Fiscal Impact – According to the Tennessee Bureau of Investigation, failure to pass this legislation may result in a 10

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percent decrease in the Byrne Grant funding for the state of Tennessee. In federal FY08, Tennessee received approximately \$2.7 million in Byrne Grant funding.

Assumptions:

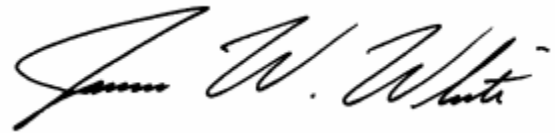
- The Department of Children's Services (DCS) estimates that, on average, 13 juvenile offenders will have to be transported four times a year to the court where the adjudication occurred to update fingerprints, palm prints and photographs.
- On average, each transport will be a total of 150 miles and cost \$0.48 per mile resulting in an increase in expenditures of \$3,744 (13 juveniles x 4 transports x 150 miles x \$0.48 per mile).
- Of the \$3,744, seven percent (\$262) will be Title IV-E Federal funds; 49% (\$1,835) will be through TennCare; and \$1,647 will be state funds.
- Of the TennCare funds, \$475 is state funds at a rate of 25.862 percent and \$1,360 is federal funds at a 74.138 percent match rate.
- Two staff positions are required for each youth transport resulting in an increase in expenditures of \$9,248 (13 juveniles x 4 transports x 2 positions x 6 hours per transport x \$14.82 per hour).
- Of the \$9,248, seven percent (\$647) will be Title IV-E Federal funds; 45% (\$4,162) will be through TennCare; and \$4,439 will be state funds.
- Of the TennCare funds, \$1,076 is state funds at a rate of 25.862 percent and \$3,086 is federal funds at a 74.138 percent match rate.
- The total increase in expenditures for transporting the juveniles is estimated at \$7,637 in state funds and \$5,355 in federal funds.
- According to the Administrative Office of the Courts, the courts do not have access to a database which provides a list of sex offenses or violent sex offenses for which a minor has been convicted of in another county or state. The majority of the courts do not have the equipment necessary to update the juveniles' fingerprints, palm prints, or photographs. One-time expenditures for the local governments to purchase the necessary equipment and modify the computer systems are estimated to exceed \$100,000 statewide.
- According to the TBI, a one-time expenditure of \$18,000 would be required to make changes to the existing computer system to maintain confidentiality of records involving juveniles until the juvenile reaches the age of 18.
- The federal "Adam Walsh Child Protection and Safety Act of 2006" requires states to maintain a sex offender registry and to include convicted sex offenders age 14 and above on the registry. Section 125 of the Act subjects a state to a mandatory 10 percent reduction in Byrne grant funds if the state fails to "substantially implement" the registry requirements. Failure to include juvenile offenders age 14 and above in Tennessee would jeopardize approximately \$267,000 in federal Byrne

Grant funds based upon the federal FY08 funding level (\$2,671,091 x 10% = \$267,109).

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc